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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

GARCIA, Eugenio Cruz

GROUP ART UNIT: 3633

SERIAL NUMBER: 10/689,510

EXAMINER: Jeanette E. Chapman

FILED: October 21, 2003

CONFIRMATION NO.: 8656

FOR: FLOORING SYSTEM HAVING SUB-PANELS

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants wish to disclose the following information.

REFERENCES

- The Applicants wish to make of record the references listed on the attached PTO/SB/08. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.

RELATED DOCUMENTS

- For the Examiner's convenience, Applicants wish to make of record the following documents:
 - International Search Report from PCT/ES99/00384, dated January 17, 2000;
 - International Search Report from PCT/IB2004/000884, dated June 30, 2005;
 - International Search Report from PCT/US02/22024, dated November 5, 2002;
 - Written Opinion of the ISA from PCT/IB2004/000884, dated June 30, 2005;
 - Search Report of European Patent Office in Appl'n No. 02752271.3, dated July 25, 2007;
 - Search Report of European Patent Office in Appl'n No. 07006750.9, dated November 27, 2009;
 - Search Report of European Patent Office in Appl'n No. 07006751.7, dated November 27, 2009;
 - Office Action of Japanese Patent Office in Appl'n No. 2001-535680, dated March 23 2010;
 - Office Action of Canadian Patent Office in Appl'n No. 2,628,468, dated March 17, 2009;
 - Office Action of Japanese Patent Office in Appl'n No. 2003-512023, dated August 19, 2008;
 - Office Action of Canadian Patent Office in Appl'n No. 2,628,655, dated July 2, 2008;
 - Office Action of Chinese Patent Office in Appl'n No. 99816955.2, dated June 17, 2005;
 - Office Action of Australian Patent Office in Appl'n No. 2006200250, dated August 16, 2007;
 - Office Action of Canadian Patent Office in Appl'n No. 2,628,370, dated July 3, 2008;
 - Office Action of Canadian Patent Office in Appl'n No. 2,390,174, dated December 8, 2006;

- Office Action of Canadian Patent Office in Appl'n No. 2,453,462, dated July 31, 2006;
- Office Action of Korean Patent Office in Appl'n No. 10-2004-7000540, dated October 23, 2008;
- Office Action of Japanese Patent Office in Appl'n No. 2001-535680, dated November 25, 2008;
- Notice of Allowance of Korean Patent Office in Appl'n No. 10-2004-7000540, dated June 11, 2009;
- Decision on Grant Patent for Invention of Russian Patent Office in Appl'n No. 2005108565, dated April 13, 2009;
- Decision revoking the European Patent of European Patent Office in Appl'n No. 01 116 774.9, dated November 17, 2008;
- Office Action of the U.S. Patent Office in Appl'n No. 10/758,001, dated July 28, 2004;
- Office Action of the U.S. Patent Office in Appl'n No. 10/758,001, dated May 5, 2005;
- Office Action of the U.S. Patent Office in Appl'n No. 10/758,001, dated January 31, 2006;
- Office Action of the U.S. Patent Office in Appl'n No. 10/758,001, dated September 19, 2006;
- Office Action of the U.S. Patent Office in Appl'n No. 10/758,001, dated November 1, 2007;
- Office Action of the U.S. Patent Office in Appl'n No. 10/758,001, dated July 10, 2008;
- Office Action of the U.S. Patent Office in Appl'n No. 10/758,001, dated August 31, 2009;
- Office Action of the U.S. Patent Office in Appl'n No. 10/607,986, dated September 30, 2005;
- Office Action of the U.S. Patent Office in Appl'n No. 10/607,986, dated June 7, 2006;
- Office Action of the U.S. Patent Office in Appl'n No. 10/352,189, dated March 24, 2004;
- Office Action of the U.S. Patent Office in Appl'n No. 10/352,189, dated December 16, 2004;
- Office Action of the U.S. Patent Office in Appl'n No. 10/352,189, dated October 31, 2005;
- Office Action of the U.S. Patent Office in Appl'n No. 10/352,189, dated June 22, 2006;
- Office Action of the U.S. Patent Office in Appl'n No. 10/352,189, dated February 13, 2007;
- Office Action of the U.S. Patent Office in Appl'n No. 10/352,189, dated July 25, 2008;
- Office Action of the U.S. Patent Office in Appl'n No. 10/352,189, dated May 1, 2009;
- Office Action of the U.S. Patent Office in Appl'n No. 10/352,189, dated November 2, 2009;
- Office Action of the U.S. Patent Office in Appl'n No. 10/374,751, dated September 22, 2004;
- Office Action of the U.S. Patent Office in Appl'n No. 10/374,751, dated January 31, 2006;
- Office Action of the U.S. Patent Office in Appl'n No. 10/374,751, dated October 11, 2006;
- Office Action of the U.S. Patent Office in Appl'n No. 10/374,751, dated January 24, 2008;
- Office Action of the U.S. Patent Office in Appl'n No. 10/374,751, dated November 18, 2008;
- Office Action of the U.S. Patent Office in Appl'n No. 10/374,751, dated August 19, 2009;
- Office Action of the U.S. Patent Office in Appl'n No. 10/678,219, dated March 29, 2005;
- Office Action of the U.S. Patent Office in Appl'n No. 10/678,219, dated April 14, 2006;
- Office Action of the U.S. Patent Office in Appl'n No. 10/678,219, dated November 12, 2008;
- Office Action of the U.S. Patent Office in Appl'n No. 10/678,219, dated September 1, 2009;

- Office Action of the U.S. Patent Office in Appl'n No. 10/689,510, dated October 5, 2007;
- Office Action of the U.S. Patent Office in Appl'n No. 10/689,510, dated August 21, 2008;
- Office Action of the U.S. Patent Office in Appl'n No. 10/689,510, dated May 27, 2009;
- Office Action of the U.S. Patent Office in Appl'n No. 10/127,602, dated December 3, 2002;
- Office Action of the U.S. Patent Office in Appl'n No. 09/460,117, dated March 30, 2001;
- Office Action of the U.S. Patent Office in Appl'n No. 09/460,117, dated June 28, 2001;
- Office Action of the U.S. Patent Office in Appl'n No. 10/137,319, dated June 4, 2003;
- Office Action of the U.S. Patent Office in Appl'n No. 09/903,807, dated April 14, 2003;
- Notice of Allowance of the U.S. Patent Office in Appl'n No. 10/127,602, dated August 21, 2003;
- Notice of Allowance of the U.S. Patent Office in Appl'n No. 09/460,117, dated March 7, 2002;
- Notice of Allowance of the U.S. Patent Office in Appl'n No. 10/137,319, dated October 9, 2003;
- Notice of Allowance of the U.S. Patent Office in Appl'n No. 09/903,807, dated July 21, 2003;
- Shanghai Supreme Court Civil Judgment Faus v Bai Ju Yi and English Summary;
- Administrative complaint Re: CN 02815741.9 and English Summary;
- Patent Reexamination Board, State Intellectual Property Office, People's Republic of China, Invalidation Acceptance Notice Re: CN 02815741.9 and English Summary;
- Patent Reexamination Board, State Intellectual Property Office, People's Republic of China, Decision on Invalidation Request Re: CN 02815741.9 and English Summary;
- The Official Filing Receipt for Invalidation Declaration for Patent Re: CN 02815741.9 and English Translation;
- Zhejiang Hangzhou People's Immediate Court (China) Civil Judgment Re: CN 02815741.9 and English Summary;
- 2nd Request for Invalidation against CN 02815741.9 by Hangzhou Baijuyi and English Translation;
- The Official Filing Receipt of Invalidation Declaration for Patent Re: CN 99816955.2 and English Translation;
- Request for Invalidation of Patent Right Re: CN 99816955.2 and English Translation;
- KRONOTEX U.S.A. LLC V. FAUS GROUP, INC. AND INDUSTRIAS AUXILIARES FAUS, S.L.U., Plaintiff's Preliminary Invalidity Contentions, including Exhibits A, B and C, dated April 21, 2010 related to co-owned U.S. Patent Nos. 6,401,415, 6,888,061 and 6,638,387;
- Notice of Opposition to European Application No. 99958193.7, reference number EPA-88398, April 28, 2008, pp. 1-57;
- Faus Group Inc. and Industrias Auxiliares Faus, S.L. v. Berry Floor N.V., Berry Finance N.V., Alloc Inc., and Beaulieu International Group N.V., 1:08-cv-00315-TWT, Defendants' Opening Claim Construction Brief filed in N.D. Ga. on December 11, 2008, pgs. 1-45, Exhibits 1-5;
- Faus Group Inc. and Industrias Auxiliares Faus, S.L. v. Berry Floor N.V., Berry Finance N.V., Alloc Inc., and Beaulieu International Group N.V., 1:08-cv-00315-TWT, Memorandum in Support of their Proposed Claim Constructions filed in N.D. Ga. December 11, 2008, pgs. 1-47; and
- Faus Group Inc. and Industrias Auxiliares Faus, S.L. v. Berry Floor N.V., Berry Finance N.V., Alloc Inc., and Beaulieu International Group N.V., 1:08-cv-00315-TWT, Declaration of Matthew T. Bailey in Support of Plaintiffs Faus Group, Inc. and Industrias Auxiliares Faus

S.L.'s Memorandum in Support of their Proposed Claim Constructions, filed in N.D. Ga. December 11, 2008, pgs. 1-9, Exhibits 1-14.

The above-cited documents are not prior art. The above-cited documents should not appear on the face of any patent that issues from the above-identified application. Accordingly, these documents are not listed on the attached PTO/SB/08. These documents are believed to be relevant only in that they identify one or more of the documents cited on the attached PTO/SB/08, or were issued in another application associated with the inventors and/or applicant of this application.

RELATED CASES

- ☐ A list of Applicant's pending applications or issued patents, which may be related to the present application, is shown below:
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CERTIFICATION

The undersigned certifies that:

- ☐ each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after having made reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

FEES

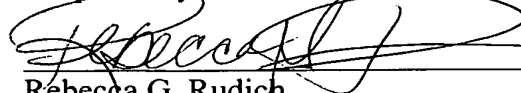
- ☐ A check is attached in the amount required under 37 CFR § 1.17(p) for taking action under 37 CFR § 1.97(c) or (d).

DEPOSIT ACCOUNT

- Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 50-0911.

Date: June 16, 2010

Respectfully submitted,


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